

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

21-CR-7

JOHN STUART,

Defendant.

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**MOTION FOR AN EXTENSION OF TIME**  
**TO FILE RESPONSE TO DEFENDANT'S MOTION TO COMPEL**

**PLEASE TAKE NOTICE** that upon the annexed Affidavit of David J. Rudroff, Assistant United States Attorney, the undersigned hereby moves this Court for an extension of time to file its response to the defendant's motion to compel (Doc. 55) in the above-referenced case.

DATED: Buffalo, New York, November 22, 2022.

TRINI E. ROSS  
United States Attorney

BY: s/DAVID J. RUDROFF  
Assistant United States Attorney  
United States Attorney's Office  
Western District of New York  
138 Delaware Avenue  
Buffalo, New York 14202  
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**AFFIDAVIT**

STATE OF NEW YORK    )  
COUNTY OF ERIE        )    SS:  
CITY OF BUFFALO        )

**DAVID J. RUDROFF**, being duly sworn, deposes and says:

1.     I am an Assistant United States Attorney for the Western District of New York and am assigned to the prosecution of this matter. I offer this affidavit in support of the government's motion for a two-week extension of time to file its response to the defendant's motion to compel (Doc. 55).<sup>1</sup> Defense counsel, AFD Jeffrey Bagley, has advised that he does not object to this motion.

2.     On July 8, 2022, with permission of the District Court, the defendant filed a motion to compel to supplement his previously filed pretrial omnibus motions. *See* Docs. 49

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<sup>1</sup> The government's previous motions in this regard referenced the defendant's motion to compel as Doc. 49. However, based on my review of the docket in this case, I believe the proper citation is to Doc. 55.

and 55. At the time, this case was assigned to former AUSA Laura A. Higgins, who obtained extensions of the government's time to respond, most recently to November 28, 2022.

3. AUSA Higgins resigned from the United States Attorney's Office effective in mid-November 2022—before preparing the government's response—and this matter was thereafter assigned to me. Since being assigned to this case, I have begun to familiarize myself with the case, including relevant motion practice. However, I am respectfully requesting that the Court extend the government's time to respond to the defendant's motion to compel by 14 days to allow me to fully familiarize myself with the investigation, the legal arguments made by defense counsel, and the facts necessary to respond.

4. I have conferred with defense counsel, AFD Jeffrey Bagley, Esq., who advised that he does not object to this request. Moreover, Speedy Trial Time is excludable pursuant to 18 U.S.C. § 3161(h)(1)(D).

/s/DAVID J. RUDROFF

Assistant United States Attorney  
United States Attorney's Office  
Western District of New York  
138 Delaware Avenue  
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Subscribed and sworn to before me  
this 22nd day of November, 2022.

s/JENNIFER L. ATKINS

COMMISSIONER OF DEEDS  
In And For The City Of Buffalo, New York.  
My Commission Expires Dec. 31, 2023